

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF OKLAHOMA

In re:	)	Case No. 24-80617
	)	(Chapter 11)
C M HEAVY MACHINERY, LLC	)	
	)	
Debtor.	)	
_____	)	

**AMENDED APPLICATION TO APPROVE EMPLOYMENT OF WHITTEN  
BURRAGE AS SPECIAL COUNSEL TO ABOVE CAPTIONED DEBTOR**

COMES NOW CM Heavy Machinery, LLC (the “Debtor”), as debtor and debtor in possession and applicant herein (the “Debtor”), by and through the undersigned counsel, and respectfully files this Amended Application (the “Application”) and requests, pursuant to 11 U.S.C. § 327(e), employment of Reggie N. Whitten, Michael Burrage, Hannah Whitten, and Blake Sonne of WHITTEN BURRAGE, 512 North Broadway Avenue, Suite 300, Oklahoma City, OK 73102 (collectively referred to herein as “Whitten Burrage”) to act as “special counsel” in the above styled and numbered Chapter 11 bankruptcy case. In support of his application, Debtor would show the Court the following:

1. On August 8, 2024, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 101 et seq.
2. The Debtor has continued in possession of his property and is now operating and managing his business and property.
3. The professional services that Whitten Burrage will render if the instant Application is approved, include but are not limited to, the following:

a. Provide legal advice and services with respect to prosecution of a breach of contract and bad faith civil litigation case against Debtor's insurer, AXIS Insurance Company, and Debtor's insurance agent, Caden Bolles and Bolles & Associates, LLC d/b/a Multi County Insurance, and preparation of any associated pleadings pertaining thereto, relating to an insurance claim submitted by Debtor in September 2023 pertaining to a fire loss that occurred in August 2023.

b. Provide legal advice and services with respect to adjudication and the recovery of damages, costs, and attorney's fees and the judgments obtained by Debtor against its insurer Axis Insurance and its insurance agency Caden Bolles and Bolles & Associates, LLC d/b/a Multi County Insurance, including damages for breach of contract, bad faith, recovery of costs and attorney's fees, pre-judgment interest, and punitive damages and preparation of any associated pleadings, hiring of expert witnesses, and/or related work thereto;

4. Prior to representing Debtor to pursue this civil litigation matter, Whitten Burrage did not perform any legal services for Debtor.

5. To the best of Debtor's knowledge, Whitten Burrage represents no interest adverse to the Debtor, the creditors, or the estate on the matters upon which it is to be engaged, and its employment upon the terms as set forth herein would be in the best interests of the bankruptcy estate.

6. Whitten Burrage has agreed to provide legal services on a contingency fee basis with compensation to be paid only upon a settlement, resolution, and/or trial verdict and collection of a judgment via application and order of the Court. Whitten Burrage will incur all costs and expenses of the litigation, to be reimbursed only upon a resolution or settlement of the civil litigation case. Debtor requests that Whitten Burrage's contingency fee agreement and

arrangement (50% contingency fee with reduced % up to a certain amount) be authorized by the Court as such contingency fee agreement and the percentage outlined herein are customary in this type of complex civil litigation. A copy of the fee agreement is attached to this Application.

WHEREFORE Debtor respectfully requests this Court authorize it to employ and appoint Whitten Burrage as special counsel under 11 U.S.C. 327(e) as outlined herein.

Respectfully submitted,

Dated: January 3, 2025.

By: /s/ Blake Sonne  
Reggie Whitten, OBA #9576  
Michael Burrage, OBA #1350  
Blake Sonne, OBA #20341  
Hannah Whitten, OBA #35261  
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*Proposed Attorney for Debtor*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of January, 2025, a true and correct copy of the above and foregoing instrument was served via ECF filing and via mail, postage prepaid, on those entities listed on the Matrix and ECF registrants in this case.

/s/ Blake Sonne OBA#20341  
Blake Sonne